

Minutes

Land Use Management Committee

Held at Council Chambers, 1 Belgrave Street Manly on:

Monday 5 December 2005

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www.manly.nsw.gov.au*



TO THE MAYOR AND COUNCILLORS OF THE COUNCIL:

The Land Use Management Committee, having met at 7:33 pm on Monday 5 December 2005, in the Council Chambers, Town Hall, Manly, to consider the various matters referred to it, now reports the decisions reached and the recommendations made which are stated hereunder.

The decisions taken and indicated by the prefix "Resolved" as distinct from "Recommendations" made to the Council, were taken pursuant to authority delegated to this Committee vide Minutes Number 353 of 19th September, 2005.

PRESENT

His Worship, The Mayor, Councillor Dr Peter Macdonald
Deputy Mayor Councillor B Aird
Councillor P Daley
Councillor J Evans
Councillor J Hay, AM
Councillor A Heasman
Councillor J Lambert, Chairperson who presided
Councillor R Morrison, Deputy Chairperson (arrived at 7.41pm)
Councillor D Murphy
Councillor M Norek
Councillor B Pedersen

ALSO PRESENT

Henry T Wong, General Manager
David Stray, Manager Development Control
Rachael Levey, Minute Taker

**COUNCIL IN COMMITTEE OF THE WHOLE
(MAYOR - EX-OFFICIO)**

The meeting was opened by the Mayor, who presided over the item relating to Council in Committee of the Whole, being the Mayoral Minute No. 17, Motion of Condolence Marking the passing of Mr Malcolm McLean.

MAYORAL MINUTES

Mayoral Minute Report No. 17

Motion of Condolence Marking the passing of Mr Malcolm McLean**BACKGROUND**

On behalf of the people of Manly I would like to move a formal motion of condolence in response to the sad passing of Mr Malcolm John McLean who was an elected Alderman of Manly Council from 1983 – 1987 and served as the Deputy Mayor of Manly in 1986.

Malcolm McLean was born in Glebe on September 13th 1927 and grew up in the Eastern Suburbs before moving to Seaforth with his wife Maureen in 1954. Their four children - Vicki, Raymond, Allen and Karen – all grew up in the local area.

Mr McLean had spent 11 years in the Merchant Navy before working on the wharves but his true passion was in his work with the local community. He founded the North Balgowlah Rugby Union Club and was heavily involved with a number of initiatives and activities aimed at encouraging and supporting young people in the local area. He joined the Balgowlah Seaforth RSL Club, and served as its President for a number of years.

It was through his work with the RSL Club and with the encouragement of some of its members that Malcolm first got involved with Local Government Politics in 1980. He unsuccessfully stood for election to Manly Council but undeterred, he stepped forward again for the Council election of 1983. After campaigning on a "Residents and Ratepayers" ticket, Malcolm polled the third highest number of votes and took his place as an Alderman on Manly Council. In 1986, he received the honour of being elected Deputy Mayor by his fellow Aldermen.

By all accounts. Malcolm McLean was never predictable and was staunchly independent, never afraid to take unpopular positions on a number of issues ranging from heritage and development, to the environment and healthcare.

As a colourful character on Manly Council, Malcolm McLean is remembered fondly by Council staff, many of whom were also colleagues of Malcolm's son, the late Raymond McLean who worked as an Accountant with Council for some years.

Staff and Councillors alike were saddened to hear of the passing of Malcolm McLean on November 1st this year. At this somber time, our thoughts are with his surviving children Vicki, Allen and Karen and their family and friends.

MOTION (Macdonald / Hay)

1. That on behalf of the Council, the Mayor forward a letter to the McLean family expressing the Council's deepest sympathy for the passing of Malcolm McLean, former Deputy Mayor of Manly Council.
2. That a copy of the Mayoral Minute, as presented to the Council, be provided to the McLean family.

RESOLVED: (Macdonald / Hay)

1. That on behalf of the Council, the Mayor forward a letter to the McLean family expressing the Council's deepest sympathy for the passing of Malcolm McLean, former Deputy Mayor of Manly Council.
2. That a copy of the Mayoral Minute, as presented to the Council, be provided to the McLean family.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Daley, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

LAND USE MANAGEMENT COMMITTEE MEETING

The Mayor vacated the Chair and Councillor Lambert resumed the Chair and presided over the Land Use Management Committee Meeting.

APOLOGIES

Apologies were tendered on behalf of Councillor Cant, for non-attendance.

MOTION (Lambert / Macdonald)

That the apology received from Councillor Cant, be accepted and leave be granted.

RESOLVED: (Lambert / Macdonald)

That the apology received from Councillor Cant, be accepted and leave be granted.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Daley, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

LEAVE OF ABSENCE

Nil.

CONFIRMATION OF MINUTES**MOTION (Macdonald / Daley)**

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 7 November 2005, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

RESOLVED: (Macdonald / Daley)

That copies of the Minutes of the Meeting of the Land Use Management Committee held on Monday 7 November 2005, having been furnished to each member of the Committee, be taken as read and confirmed as a true record of proceedings of such meeting.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Daley, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

DECLARATIONS OF PECUNIARY / CONFLICT INTERESTS

Name:	Item Number:	Nature of Interest:
Mayor Macdonald	ESD No. 69	Owns a property near 118 North Steyne, Manly
Councillor Norek	ESD No. 69	Previously owned a property in North Steyne, Manly

PUBLIC ADDRESSES

ITEM	SPEAKER
<p>Environmental Services Division Report No. 64</p> <p>40 Birkley Road, Manly</p> <p>Objector</p> <p>Applicant</p>	<p>David Bedingfield (Neighbour)</p> <p>Bruce Farrar</p>
<p>Environmental Services Division Report No. 65</p> <p>95 Lauderdale Avenue, Fairlight</p> <p>On behalf of Applicant</p>	<p>Ian Cady - Town Planning Consultant</p>
<p>Environmental Services Division Report No. 66</p> <p>20 Earnest Street, Balgowlah</p> <p>Objector</p> <p>On behalf of Applicant</p>	<p>Michael Green - Representing adjoining neighbours - Maxine Quick & Ross Hall</p> <p>Joe Vescio - Provincial Planning</p>
<p>Environmental Services Division Report No. 67</p> <p>2 Lombard Street, Balgowlah</p> <p>Objector</p> <p>Applicant</p>	<p>Mary Lawler - Representing adjoining neighbours at No's 207, 209, 211 & 213 Woodland Street & 4 Lombard Street</p> <p>David Robinson</p>
<p>Environmental Services Division Report No. 68</p> <p>29 Edgecliffe Esplanade, Seaforth</p> <p>Objector</p> <p>Applicant</p>	<p>Paula Beaumont - Representing adjoining neighbours</p> <p>Frank Castellan</p>

Councillor Morrison entered the Chamber at 7.41pm

ENVIRONMENTAL SERVICES DIVISION REPORTS

Environmental Services Division Report No. 64

40 Birkley Road, Manly (DA133/05)

<u>Application for review lodged:</u>	27 July 2005 (revised plans 22 November 2005)
<u>Applicant:</u>	All Walls Pty Limited
<u>Owner:</u>	Brolga Estates Pty Limited
<u>Estimated Cost:</u>	\$100,000
<u>Zoning:</u>	Manly Local Environmental Plan, 1988 - Residential
<u>Surrounding Development:</u>	Single and two storey semi attached and detached dwellings
<u>Heritage:</u>	Not applicable

SUMMARY:

1. DEVELOPMENT APPLICATION NO.133/05 WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON THE 12 MAY 2005 WHERE THE APPLICATION WAS REFUSED.
2. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION FOR REVIEW OF DETERMINATION UNDER SECTION 82A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
3. THE APPLICATION FOR REVIEW WAS NOTIFIED TO NEARBY AND ADJOINING OWNERS WITH ONE SUBMISSION RECEIVED.
4. THE APPLICATION FOR REVIEW WAS REFERRED TO THE IVANHOE PARK PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE APPLICATION WAS CONSIDERED BY COUNCIL'S DEVELOPMENT ASSESSMENT UNIT ON 25 OCTOBER 2005 WHERE IT WAS RECOMMENDED FOR REFUSAL.
6. THE APPLICANT HAS SINCE HAD DISCUSSIONS WITH COUNCIL STAFF AND HAS SUBMITTED REVISED PLANS.
7. THE REVISED PLANS WERE NOTIFIED TO NEARBY AND ADJOINING PROPERTY OWNERS WITH ONE SUBMISSION RECEIVED.
8. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT MEETING AT THE REQUEST OF COUNCILLOR NOREK.
9. A SITE INSPECTION IS RECOMMENDED.
10. REFUSAL OF THE APPLICATION IS RECOMMENDED.

SITE INSPECTION

A site inspection of **40 Birkley Road, Manly** was conducted by Councillors Daley, Evans, Hay, Lambert, Macdonald and Norek on Monday, 5 December 2005.

Inspection Party Recommendation:

No recommendation.

MOTION (Murphy / Daley)

That the application for Review of Determination of Development Application no. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly be approved with the following conditions in addition to standard conditions:

1. That provision be made for one car parking space in the rear of the yard (using semi-porous material, like turf pave);

2. That the ceiling height downstairs be lowered from 2.85m to 2.7m;
3. That a Colourbond roof be installed, with colour to compliment the existing roof;
4. That the cladding be weatherboard profile, with colour to match the existing building; and
5. That the study window be 1.6m or obscured glazing.

AMENDMENT (Macdonald / Evans)

That the application for Review of Determination of Development Application no. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly be deferred pending redesign of the alterations. In particular, that consideration be given to the possibility of lowering the rear section of the extension or to incorporate the additions and extensions further west into the existing roof. That the redesign also seek to address privacy and overshadowing impacts on the neighbour to the west.

For the Amendment: Councillors Heasman, Lambert, Pedersen, Aird, Evans and Macdonald.

Against the Amendment: Councillors Hay, Murphy, Daley, Morrison and Norek.

The **Amendment** became the **Motion** and was put and declared **Carried**.

RESOLVED: (Macdonald / Evans)

That the application for Review of Determination of Development Application no. 133/05 for alterations and additions to the existing semi detached dwelling at No. 40 Birkley Road, Manly be **deferred** pending redesign of the alterations. In particular, that consideration be given to the possibility of lowering the rear section of the extension or to incorporate the additions and extensions further west into the existing roof. That the redesign also seek to address privacy and overshadowing impacts on the neighbour to the west.

For the Resolution: Councillors Heasman, Lambert, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Councillors Hay, Murphy, Daley and Morrison.

A Notice of Rescission was lodged on this item by Councillors Murphy, Morrison and Daley.

Environmental Services Division Report No. 65

95 Lauderdale Avenue, Fairlight Section 96 Modification (DA412/99)

Application Lodged: 2 September 2005

Applicant: AGP Constructions

Owner: Nighlock Pty Ltd

Estimated Cost: N/A for S.96 modification of consent

Zoning: Manly Local Environmental Plan, 1988 - Residential

Surrounding Development: 2 and 3 storey detached dwelling houses and multi-unit buildings.

Heritage: No.

Foreshore Scenic Protection Yes

SUMMARY:

1. CONSENT WAS GRANTED FOR CONSTRUCTION OF TWO (2) ATTACHED DWELLINGS OVER FOUR (4) LEVELS WITH ROOF TOP PARKING ON 17 APRIL 2000.

2. WORK COMMENCED ON THE SITE 26 MAY 2003.
3. ON 22 JULY 2005 A PRE-LODGEEMENT MEETING WAS CONDUCTED BETWEEN THE APPLICANT AND COUNCIL STAFF TO DISCUSS PROPOSED MODIFICATIONS INCLUDING ENCLOSURE OF BALCONIES. ISSUES OF INCREASED FLOOR SPACE RATIO (FSR), REDUCED PRIVATE OPEN SPACE AND PRIVACY WERE RAISED FOR THE APPLICANT TO CONSIDER.
4. COUNCIL IS NOW IN RECEIPT OF AN APPLICATION UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT REQUESTING ADDITIONAL WINDOWS, ENCLOSURE OF SEVERAL BALCONIES, AND MINOR CHANGES TO MATERIALS AND FINISHES.
5. THE SECTION 96 APPLICATION WAS NOTIFED TO NEARBY AND ADJOINING OWNERS IN ACCORDANCE WITH COUNCIL'S POLICY WITH ONE (1) SUBMISSION OBJECTING TO THE PROPOSAL AND A PETITION IN SUPPORT OF THE PROPOSAL RECEIVED.
6. THE SECTION 96 APPLICION WAS REFERRED TO THE FAIRLIGHT PRECINCT COMMUNITY FOURM WITH COMMENTS RECEIVED.
7. A RECENT INSPECTION OF THE SITE REVEALS WORKS HAVE BEEN CARRIED OUT WITHIN THE ADJOINING FORESHORE RESERVE. THESE WORKS DO NOT FORM PART OF THE PROPOSED MODIFICATIONS AND APPROVAL FOR THIS WORK IS NOT SOUGHT UNDER THIS APPLICATION.
8. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR'S MACDONALD AND LAMBERT.
9. A SITE INSPECTION IS RECOMMENDED.
10. APPROVAL IS RECOMMENDED TO THE PROPOSED MODIFICATIONS EXCEPT FOR ENCLOSURE OF SOUTH FACING BALCONIES ON LEVELS 2 AND 3.

SITE INSPECTION

A site inspection of **95 Lauderdale Avenue, Fairlight** was conducted by Councillors Daley, Hay, Lambert, Macdonald and Norek on Monday, 5 December 2005.

Inspection Party Recommendation:

Approval as per Staff recommendation.

MOTION (Macdonald / Hay)

That the application to modify DA412/99 for construction of two (2) attached dwellings at 95 Lauderdale Avenue, Fairlight, be approved subject to revision of Condition 1 and new condition 1A added as follows:-

1. This approval relates to drawings/plans Nos. DA3126/01 – DA3126 dated 23 July 1999 and received by Council on 4 August 1999, and amended drawing Nos. SK01 – SK03 dated 10 November 1999 and received by Council on 16 November 1999 as amended by drawings/plans Nos. A-01 – A-05, Issue B, dated 8/8/2005 and received 2 September 2005, **except for the enclosure of south facing balconies on level 2 (from unit 1: bedroom 1 and bedroom 3 balconies) and on level 3 (from unit 1: living and dining room balcony)**
- 1A. The south facing balconies on levels 2 and 3 are all to remain open, and shall not be enclosed, plans being suitably notated prior to issue of the amended Construction Certificate.

RESOLVED: (Macdonald / Hay)

That the application to modify DA412/99 for construction of two (2) attached dwellings at 95 Lauderdale Avenue, Fairlight, be **approved** subject to revision of Condition 1 and new condition 1A added as follows:-

1. This approval relates to drawings/plans Nos. DA3126/01 – DA3126 dated 23 July 1999 and received by Council on 4 August 1999, and amended drawing Nos. SK01 – SK03 dated 10 November 1999 and received by Council on 16 November 1999 as amended by drawings/plans Nos. A-01 – A-05, Issue B, dated 8/8/2005 and received 2 September 2005, **except for the enclosure of south facing balconies on level 2 (from unit 1: bedroom 1 and bedroom 3 balconies) and on level 3 (from unit 1: living and dining room balcony)**
- 1A. The south facing balconies on levels 2 and 3 are all to remain open, and shall not be enclosed, plans being suitably notated prior to issue of the amended Construction Certificate.

For the Resolution: Councillors Hay, Heasman, Murphy, Daley, Norek and Macdonald.

Against the Resolution: Councillors Lambert, Morrison, Pedersen, Aird and Evans.

Environmental Services Division Report No. 66

20 Ernest Street, Balgowlah (DA367/05)

Application Lodged: 15 August 2005
Applicant: Provincial Planning Pty Ltd
Owner: S. Scothmer
Estimated Cost: \$65,000
Zoning: Manly Local Environmental Plan, 1988 - Residential
Surrounding Development: 1 & 2 storey dwellings,
Heritage: Nil

SUMMARY:

1. DA 367/05 FOR ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING AND SUBDIVISION INTO TWO ALLOTMENTS WAS LODGED ON 15 AUGUST 2005.
2. AS PART OF THE PROPOSAL 2 TREES IDENTIFIED ON THE SITE REQUIRE REMOVAL TO ENABLE CONSTRUCTION OF AN ACCESS DRIVEWAY WITH AN ARBORISTS REPORT SUBMITTED.
3. NOTIFICATION OF THE PROPOSAL TO NEARBY AND ADJOINING PROPERTY OWNERS WITH THREE (3) SUBMISSIONS RECEIVED.
4. THIS APPLICATION WAS REFERRED TO THE BALGOWLAH PRECINCT COMMUNITY FORUM FOR COMMENT.
5. THE PROPOSAL RESULTS IN NON-COMPLIANCE WITH THE FRONT SETBACK AND ACCESS WIDTH CONTROLS OF THE RESIDENTIAL DCP. NOTWITHSTANDING THE PROPOSAL IS CONSIDERED TO SATISFY THE OBJECTIVES OF THESE CONTROLS.
6. A REPORT RECOMMENDING APPROVAL OF THE DA WAS FORWARDED TO COUNCIL'S DEVELOPMENT CONTROL UNIT MEETING OF 22 NOVEMBER 2005 WHEREUPON THE ASSESSMENT PANEL RESOLVED TO RECOMMEND APPROVAL OF THE DEVELOPMENT APPLICATION.
7. THIS APPLICATION IS PRESENTED TO THE LAND USE MANAGEMENT MEETING BY COUNCILLORS MACDONALD AND LAMBERT.
8. A SITE INSPECTION IS RECOMMENDED.
9. APPROVAL OF THIS DEVELOPMENT APPLICATION IS RECOMMENDED.

SITE INSPECTION

A site inspection of **20 Ernest Street, Balgowlah** was conducted by Councillors Daley, Hay, Lambert, Macdonald and Norek on Monday, 5 December 2005.

Inspection Party Recommendation:

Approved subject to additional conditions as follows:

1. All existing trees are to be retained and all trees are to be protected during construction works, plans being suitably amended prior to the issue of the Construction Certificate.
2. The proposed access handle to Lot B being 4.02m in width for the first 26m of it's length with the remainder being increased to 6.0m in width to allow the driveway to be positioned clear of existing trees and to provide a continuous landscape screen (minimum 1.0m width, with planting 3.0 – 4.0m mature height) adjacent to the western boundary, plans to be amended accordingly prior to the issue of the Construction Certificate.
3. The proposed access driveway is to be a maximum width of 3.0m with the area within the drip line of existing trees being constructed of permeable material to minimise impact on the health of existing trees, plans being amended accordingly prior to the issue of the Construction Certificate.

MOTION (Macdonald / Daley)

That Development Application 367/05 for alterations and additions to the existing dwelling and Torrens title subdivision at 20 Ernest Street, Balgowlah, be approved subject to the following conditions of consent:

1. All existing trees are to be retained and all trees are to be protected during construction works, plans being suitably amended prior to the issue of the Construction Certificate.
2. The proposed access handle to Lot B being 4.02m in width for the first 26m of it's length with the remainder being increased to 6.0m in width to allow the driveway to be positioned clear of existing trees and to provide a continuous landscape screen (minimum 1.0m width, with planting 3.0 – 4.0m mature height) adjacent to the western boundary, plans to be amended accordingly prior to the issue of the Construction Certificate.
3. The proposed access driveway is to be a maximum width of 3.0m with the area within the drip line of existing trees being constructed of permeable material to minimise impact on the health of existing trees, plans being amended accordingly prior to the issue of the Construction Certificate.
4. That a bond of \$150,000 for the remaining trees on the property, as identified in the arborist's report, be lodged with Council.
5. That condition DA088 be amended as follows:

In the first line, replace the words "each property" with "Lot A", so the condition reads:

"DA088

A system of onsite stormwater detention shall be provided within **Lot A** in accordance with Council's Specification for on-site stormwater management 2003. The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The

specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council."

6. That prior to the release of the subdivision plan, Section 94 Contributions shall be made for Lot B on the basis of four bedrooms, in accordance with Council's Section 94 Plan 2005. Such quantum contributions made shall be adjusted when the final building plan is determined to Council for Lot B.

DA1

This approval relates to drawings/plans Nos.1306-S01-A dated 14 September, 2005 and received by Council 21 September, 2005, Nos. S02, S03 dated April 2005 and received by Council 15 August, 2005 and Nos. 2005-01-C dated June 2005 and received by Council 21 September, 2005.

ANS01

All engineering works including driveways, provision of services and drainage works to Lot A are to be completed prior to the issue of the Subdivision Certificate.

ANS03

Any future development on Lot B is to be generally in accordance with the building footprint shown on plan number 1306-501 Rev C dated 2 November, 2005.

DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA013

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$2,200. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA075

All driveways, carparking areas and pedestrian paths shall be surfaced and sealed. Details of treatment to these areas shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA077

An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

DA088 (amended)

A system of onsite stormwater detention shall be provided within **Lot A** in accordance with Council's Specification for on-site stormwater management 2003. The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council.

DA089

An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff and services, to the requirements of Council or its delegate. The easement shall be registered prior to the issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

DA091

Details of any proposed easement shall be submitted to Council. The easement shall be registered prior to the issue of the Construction Certificate.

DA095

A copy of the approved OSD plan showing work as executed details shall be submitted to Council **prior to the issue of the Occupation Certificate**. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA097

Any work to be constructed over the easement shall not prohibit or divert any natural overland flow of water.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is

required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

DA101

The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the Construction Certificate.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA232

A heavy duty pavement shall be constructed along the full length of the proposed right-of-way. Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA239

The felling, lopping, topping, ringbarking, willful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA247

Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA259

All engineering works are to be completed prior to the issue of the Subdivision Certificate.

DA260

Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited Certifier prior to the release of the Subdivision Certificate/Construction Certificate.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

- Silt control fences
- Footing inspection - trench and steel
- On Site Detention slab X2
- Framework inspection
- Blockwork Steel
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$2200. (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of

the development.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA279

All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA283

De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- a) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts per million) for receiving waters.
- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage

line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA298

Approval of the application for Land Subdivision the subject property is subject to the lodgment of a Subdivision Certificate application and payment of the appropriate fee.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

RESOLVED: (Macdonald / Daley)

That Development Application 367/05 for alterations and additions to the existing dwelling and Torrens title subdivision at 20 Ernest Street, Balgowlah, be approved subject to the following conditions of consent:

1. All existing trees are to be retained and all trees are to be protected during construction works, plans being suitably amended prior to the issue of the Construction Certificate.

2. The proposed access handle to Lot B being 4.02m in width for the first 26m of it's length with the remainder being increased to 6.0m in width to allow the driveway to be positioned clear of existing trees and to provide a continuous landscape screen (minimum 1.0m width, with planting 3.0 – 4.0m mature height) adjacent to the western boundary, plans to be amended accordingly prior to the issue of the Construction Certificate.
3. The proposed access driveway is to be a maximum width of 3.0m with the area within the drip line of existing trees being constructed of permeable material to minimise impact on the health of existing trees, plans being amended accordingly prior to the issue of the Construction Certificate.
4. That a bond of \$150,000 for the remaining trees on the property, as identified in the arborist's report, be lodged with Council.
5. That condition DA088 be amended as follows:

In the first line, replace the words "each property" with "Lot A", so the condition reads:

"DA088

A system of onsite stormwater detention shall be provided within **Lot A** in accordance with Council's Specification for on-site stormwater management 2003. The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased from Council."

6. That prior to the release of the subdivision plan, Section 94 Contributions shall be made for Lot B on the basis of four bedrooms, in accordance with Council's Section 94 Plan 2005. Such quantum contributions made shall be adjusted when the final building plan is determined to Council for Lot B.

DA1

This approval relates to drawings/plans Nos.1306-S01-A dated 14 September, 2005 and received by Council 21 September, 2005, Nos. S02, S03 dated April 2005 and received by Council 15 August, 2005 and Nos. 2005-01-C dated June 2005 and received by Council 21 September, 2005.

ANS01

All engineering works including driveways, provision of services and drainage works to Lot A are to be completed prior to the issue of the Subdivision Certificate.

ANS03

Any future development on Lot B is to be generally in accordance with the building footprint shown on plan number 1306-501 Rev C dated 2 November, 2005.

DA012

The driveway/access ramp grades, access and car parking facilities shall comply with the Australian Standard for Off-Street Parking AS2890.1-2004 or later editions.

DA013

A long section of the driveway shall be submitted with the Construction Certificate Application. The long section is to be drawn at a scale of 1:20 and shall include Relative Levels (RL) of the road centreline, kerb, road reserve, pavement within property and garage floor. The RLs shall include the existing levels and the designed levels.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the

Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$2,200. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA343

Any adjustment to the public utility service is to be carried out in compliance with their standards and the cost is to be borne by the applicant.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as

permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA075

All driveways, carparking areas and pedestrian paths shall be surfaced and sealed. Details of treatment to these areas shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA077

An approved water interceptor shall be provided across the driveway at the street boundary and all stormwaters shall be conveyed by underground pipe to Council's street gutter to the satisfaction of the Principal Certifying Authority.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Council's street gutter.

DA088 (amended)

A system of onsite stormwater detention shall be provided within **Lot A** in accordance with Council's Specification for on-site stormwater management 2003. The design and details shall be submitted with the Construction Certificate Application and be approved by the Council/Accredited Certifier prior to the issue of the Construction Certificate. The specification can be downloaded from Council's web site www.manly.nsw.gov.au free of charge or a hardcopy can be purchased

from Council.

DA089

An easement is to be created through the adjoining property/properties for the disposal of stormwater runoff and services, to the requirements of Council or its delegate. The easement shall be registered prior to the issue of the Construction Certificate. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

DA091

Details of any proposed easement shall be submitted to Council. The easement shall be registered prior to the issue of the Construction Certificate.

DA095

A copy of the approved OSD plan showing work as executed details shall be submitted to Council **prior to the issue of the Occupation Certificate**. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

DA097

Any work to be constructed over the easement shall not prohibit or divert any natural overland flow of water.

DA100

A positive covenant in respect of the installation and maintenance of onsite detention works is required to be imposed over the area of the site affected by onsite detention and/or pump system prior to the issue of the Occupation Certificate for the building and prior to the release of the trust fund deposit.

DA101

The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

DA102

Special footings will be required where the proposed/existing structure is adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary. A suitably qualified Structural Engineer shall issue a compliance certificate for the special footings referred to above to the Principal Certifying Authority. The footings shall be designed and approved Prior to the Issue of the Construction Certificate.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA232

A heavy duty pavement shall be constructed along the full length of the proposed right-of-way.

Details shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate.

DA236

Landscaping is to be carried out in accordance with the approved Landscape Plan submitted in conjunction with the Development Application. Evidence of an agreement for the maintenance of all plants for a period of 12 months from the date of practical completion of the building is to be provided to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.

DA237

All healthy trees and shrubs identified for retention on the plan must be:

- (i) Suitably marked before any development starts and be suitably protected from damage during the construction process; and
- (ii) Retained unless their location or condition is likely to cause damage and their removal has been approved by Council.

DA239

The felling, lopping, topping, ringbarking, willful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA247

Landscaping being provided in accordance with the approved Landscaping Plan and maintained in accordance with that plan at all times.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA255

Any ancillary light fittings fitted to the exterior of the building are to be shielded or mounted in a position to minimise glare to adjoining properties.

DA259

All engineering works are to be completed prior to the issue of the Subdivision Certificate.

DA260

Detailed engineering drawings of all work shall be submitted for approval by the Council/Accredited Certifier prior to the release of the Subdivision Certificate/Construction Certificate.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA270

Should you appoint Council as the Principal Certifying Authority (PCA) to undertake inspections during the course of construction then the following inspection/certification are required:-

- Silt control fences
- Footing inspection - trench and steel
- On Site Detention slab X2
- Framework inspection
- Blockwork Steel
- Drainage inspection
- Driveway crossing/kerb layback
- Landscaping inspection
- Final inspection

The cost of these inspections by Council is \$2200. (being \$220.00 per inspection inclusive of GST). **Payment of the above amount is required prior to the first inspection. Inspection appointments can be made by contacting the Environmental Services Division on 9976 1573 or 9976 1587.**

At least 24 hours notice should be given for a request for an inspection and submission of the relevant inspection card. Any additional inspection required as a result of incomplete works will incur a fee of \$100.00.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA274

Payment of contributions in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, is required for the development. The amount being in accordance with Council's Section 94 Policy applicable at the time of payment prior to the issue of the Construction Certificate.

DA279

All excavated material should be removed from the site in an approved manner and be disposed of lawfully to a tip or other authorised disposal area.

DA283

De-watering from the excavation or construction site must comply with the Protection of the Environment Operations Act 1997 and the following:

- a) Ground water or other water to be pumped from the site into Council's stormwater system must be sampled and analysed by a NATA certified laboratory or Manly council for compliance with ANZECC Water Quality Guidelines
- b) If tested by NATA certified laboratory, the certificate of analysis issued by the laboratory must be forwarded to Manly Council as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997, prior to the commencement of de-watering activities.
- c) Council will grant approval to commence site de-watering to the stormwater based on the water quality results received.
- d) It is the responsibility of the applicant to ensure that during de-watering activities, the capacity of the stormwater system is not exceeded, that there are no issues associated with erosion or scouring due to the volume of water pumped.
- e) Turbidity readings must not at any time exceed the ANZECC recommended 50ppm (parts

per million) for receiving waters.

- f) Also the developer must contact the Department of Infrastructure, Planning and Natural Resources and comply with any of their requirements.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA333

A copy of the Soil and Water Management Plan must be kept on-site at all times and made available to Council officers on request.

DA334

Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted.

DA335

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

DA336

Drains, gutters, roadways and access ways shall be maintained free of sediment and to the satisfaction of Council. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA338

All disturbed areas shall be stabilised against erosion to Council satisfaction within 14 days of completion, and prior to removal of sediment controls.

DA339

Stormwater from roof areas shall be linked via a temporary downpipe to a Council approved stormwater disposal system immediately after completion of the roof area. Inspection of the building frame will not be made until this is completed to Council satisfaction.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday

to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA298

Approval of the application for Land Subdivision the subject property is subject to the lodgment of a Subdivision Certificate application and payment of the appropriate fee.

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

For the Resolution: Councillors Hay, Heasman, Lambert, Daley, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Councillor Murphy.

Environmental Services Division Report No. 67

2 Lombard Street, Balgowlah (DA333/05)

Application Lodged: 21 July 2005 (Amended plans received on 13 October 2005)
Applicant: Mr. David Robinson
Owner: Mr. D. S. Robinson & Ms B. L. Rosser
Estimated Cost: \$230,000
Zoning: The site is located in Zone No. 2 – Residential.
Surrounding Development: Single and two storey dwellings
Heritage: Not Applicable.

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR ALTERATIONS AND ADDITIONS TO THE EXISTING SINGLE STOREY DWELLING INCLUDING FIRST FLOOR ADDITIONS AND REAR DECKS.
2. THE ORIGINAL PROPOSAL WAS NOTIFIED TO ADJOINING AND NEARBY PROPERTY OWNERS WITH SIX (6) SUBMISSIONS RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE BALGOWLAH PRECINCT FORUM FOR COMMENT.
4. ON 27 SEPTEMBER 2005, COUNCIL'S DEVELOPMENT ASSESSMENT UNIT RESOLVED DEFERRAL OF THE APPLICATION, DUE TO DEPARTURES TO THE SETBACK PROVISIONS OF THE DCP, PRIVACY/VIEW LOSS FROM THE PROPOSED ELEVATED REAR DECKS AND OVERSHADOWING IMPACT TO THE ADJOINING REAR OUTDOOR LIVING AREAS.
5. ON 13 OCTOBER 2005, FURTHER REVISED PLANS WERE SUBMITTED.
6. THE REVISED PLANS WERE RE-NOTIFIED WITH FOUR (4) SUBMISSIONS RECEIVED.
7. ON 3 NOVEMBER 2005, THE REVISED PLANS WERE CONSIDERED AT COUNCIL'S DEVELOPMENT ASSESSMENT UNIT AND RESOLVED TO APPROVE THE APPLICATION SUBJECT TO A DEFERRED COMMENCEMENT CONSENT TO ADDRESS CONCERNS REGARDING AMENITY IMPACTS ON ADJOINING PROPERTIES AND COMPLIANCE WITH SIDE SETBACKS PROVISIONS WITHIN THE DCP.
8. THE APPLICATION IS PRESENTED TO COUNCIL'S LAND USE MANAGEMENT COMMITTEE MEETING AT THE REQUEST OF COUNCILLOR MACDONALD.
9. A SITE INSPECTION IS RECOMMENDED
10. DEFERRED COMMENCEMENT CONSENT IS RECOMMENDED.

SITE INSPECTION

A site inspection of **2 Lombard Street, Balgowlah** was conducted by Councillors Hay, Heasman, Lambert, Macdonald and Norek on Monday, 5 December 2005.

Inspection Party Recommendation:

Deferred for further advice on shadow impacts.

MOTION (Pedersen / Daley)

That Development Application No.333/05 for alterations and additions to the existing dwelling including a new first floor level at No. 2 Lombard Street, Balgowlah be approved as a Deferred Commencement Consent subject to the following conditions:

A1. That revised plans be submitted to Council showing the following amendments:

- a. Lowering of the back deck by 1m;
- b. Deletion of the condition that relates to the corners of the lower deck to be shaved;
- c. 1.8m privacy screen on the lower deck;
- d. Reduction of the 1st floor balcony to 1.2m depth; and
- e. The upper eastern windows to be opaque.

This consent is a "**deferred commencement**".

Evidence of Items ANS06 to ANS08 are to be submitted within a period of one (1) month pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

DA1

This approval relates to drawings/plans Nos. 05020-1 Revision A dated 8 October, 2005 and 05020-2 Revision A dated 16 August, 2005 and received by Council on 12 October, 2005 as modified by deferred commencement conditions.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Councils street gutter.

DA087

A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath

without prior separate approval from Council, including payment of relevant fees.

DA239

The felling, lopping, topping, ringbarking, willful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA264

All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

AMENDMENT (Evans)

That Development Application No.333/05 for alterations and additions to the existing dwelling including a new first floor level at No. 2 Lombard Street, Balgowlah be approved as a Deferred Commencement Consent subject to the following conditions:

A1. That revised plans be submitted to Council showing the following amendments:

- a. Lowering of the back deck by 1m;
- b. Deletion of the condition that relates to the corners of the lower deck to be shaved;
- c. 1.8m privacy screen on the lower deck;
- d. Reduction of the 1st floor balcony to 0.8m depth; and
- e. The upper eastern windows to be opaque.

This consent is a **"deferred commencement"**.

Evidence of Items ANS06 to ANS08 are to be submitted within a period of one (1) month pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

DA1

This approval relates to drawings/plans Nos. 05020-1 Revision A dated 8 October, 2005 and 05020-2 Revision A dated 16 August, 2005 and received by Council on 12 October, 2005 as modified by deferred commencement conditions.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note:

The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

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Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

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An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

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Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Councils street gutter.

DA087

A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA239

The felling, lopping, topping, ringbarking, willful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

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All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

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A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

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An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

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The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

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Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

Due to the lack of a Seconder the Motion Lapsed.

AMENDMENT (Murphy / Morrison)

That Development Application No.333/05 for alterations and additions to the existing dwelling including a new first floor level at No. 2 Lombard Street, Balgowlah be approved as a Deferred Commencement Consent subject to the following conditions:

A1. That revised plans be submitted to Council showing the following amendments:

- a. The proposed ground floor rear **deck** be setback a minimum of 2m from the western boundary with the proposed stair connecting the deck with the rear yard area being relocated from the east to the west side to align with the existing ground floor setback on western boundary.
- b. Deletion of windows/doors on the western elevation of the proposed ground floor rear addition and access from the dwelling to the amended stair location (as per Condition (a)) facing north.
- c. The rear elevated ground floor deck setback **2.0m from the eastern boundary**, and a privacy screen provided on the eastern elevation.
- d. Deck to be splayed at 45 degrees so front of deck is set in 3m from eastern and western side of the boundaries.
- e. Upstairs deck to be reduced to 2.0m in depth.
- f. Privacy screens on both decks to be 1.65m high.

This consent is a "**deferred commencement**".

Evidence of Items ANS06 to ANS08 are to be submitted within a period of one (1) month pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

DA1

This approval relates to drawings/plans Nos. 05020-1 Revision A dated 8 October, 2005 and 05020-2 Revision A dated 16 August, 2005 and received by Council on 12 October, 2005 as modified by deferred commencement conditions.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

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No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction.

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Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

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Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

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Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

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Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

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Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

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A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

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Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

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Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

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Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Councils street gutter.

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Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

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- (ii) protection of the public stormwater system; and
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Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

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Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

For the Amendment: Councillors Hay, Heasman, Murphy, Daley, Morrison, Norek and Macdonald.

Against the Amendment: Councillors Lambert, Pedersen, Aird and Evans.

The **Amendment** became the **Motion** and was declared **Carried**.

FORESHADOWED AMENDMENT (Lambert / Aird)

That Development Application No.333/05 for alterations and additions to the existing dwelling including a new first floor level at No. 2 Lombard Street, Balgowlah be approved as a Deferred Commencement Consent subject to the following conditions:

A1. That revised plans be submitted to Council showing the following amendments:

- a. The proposed ground floor rear **deck** be setback a minimum of 2m from the western boundary with the proposed stair connecting the deck with the rear yard area being relocated from the east to the west side to align with the existing ground floor setback on western boundary.
- b. Deletion of windows/doors on the western elevation of the proposed ground floor rear addition and access from the dwelling to the amended stair location (as per Condition (a)) facing north.
- c. The rear elevated ground floor deck setback **2.0m from the eastern boundary**, and a

- privacy screen provided on the eastern elevation.
- d. Deck to be splayed at 45 degrees so front of deck is set in 3m from eastern and western side of the boundaries.
 - e. Upstairs deck to be reduced to 1.0m in depth.
 - f. Privacy screens on both decks to be 1.65m high.

This consent is a "**deferred commencement**".

Evidence of Items ANS06 to ANS08 are to be submitted within a period of one (1) month pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

DA1

This approval relates to drawings/plans Nos. 05020-1 Revision A dated 8 October, 2005 and 05020-2 Revision A dated 16 August, 2005 and received by Council on 12 October, 2005 as modified by deferred commencement conditions.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

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No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

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Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

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DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the

erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

DA024

A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

DA026

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

DA038

A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

DA039

Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA040

Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

DA044

The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

DA058

An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a

state of good repair and condition until completion of the building project.

DA357

Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

DA109

All demolition is to be carried out in accordance with AS2601-2001.

DA111

Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

DA084

Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Councils street gutter.

DA087

A detailed stormwater management plan shall be prepared to fully comply with Council's "Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

DA126

An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA239

The felling, lopping, topping, ringbarking, willful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

DA240

No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

DA348

Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

DA261

A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation

of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

DA264

All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

DA269

A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

DA271

An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

For the Foreshadowed Amendment: Councillors Lambert, Pedersen, Aird, Evans and Macdonald.

Against the Foreshadowed Amendment: Councillors Hay, Heasman, Murphy, Daley, Morrison and Norek.

The **Foreshadowed Amendment** was declared **Lost**.

RESOLVED: (Murphy / Morrison)

That Development Application No.333/05 for alterations and additions to the existing dwelling including a new first floor level at No. 2 Lombard Street, Balgowlah be approved as a Deferred Commencement Consent subject to the following conditions:

A1. That revised plans be submitted to Council showing the following amendments:

- a. The proposed ground floor rear **deck** be setback a minimum of 2m from the western boundary with the proposed stair connecting the deck with the rear yard area being relocated from the east to the west side to align with the existing ground floor setback on western boundary.
- b. Deletion of windows/doors on the western elevation of the proposed ground floor rear addition and access from the dwelling to the amended stair location (as per Condition (a)) facing north.
- c. The rear elevated ground floor deck setback **2.0m from the eastern boundary**, and a privacy screen provided on the eastern elevation.
- d. Deck to be splayed at 45 degrees so front of deck is set in 3m from eastern and western side of the boundaries.
- e. Upstairs deck to be reduced to 2.0m in depth.
- f. Privacy screens on both decks to be 1.65m high.

This consent is a **"deferred commencement"**.

Evidence of Items ANS06 to ANS08 are to be submitted within a period of one (1) month pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent will then operate for a period of two (2) years.

DA1

This approval relates to drawings/plans Nos. 05020-1 Revision A dated 8 October, 2005 and 05020-2 Revision A dated 16 August, 2005 and received by Council on 12 October, 2005 as modified by deferred commencement conditions.

DA016

Pursuant to Section 97 of the Local Government Act, 1993, Council requires, prior to issue of the Construction Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit of \$5,000. The Deposit is required as security of compliance with Conditions of Consent, and as security against damage to Council property during works on the site.

Note: Should Council property adjoining the site be defective eg, cracked footpath, broken kerb etc., this shall be reported in writing to Council, at least 7 days prior to the commencement of any work on site.

Note: Where Council is not the principal certifying authority, refund of the trust fund deposit will also be dependant upon receipt of a final occupation certificate by the Principal Certifying Authority and infrastructure inspection by Council.

DA017

No obstruction shall be caused to pedestrian use of Council's footpath or vehicular use of any public roadway during construction. .

DA342

Separate application shall be made to Council's Infrastructure Division for approval to complete, to Council's standards and specifications, works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be made a minimum of twenty-eight (28) days prior to commencement of proposed works on Council's property. Applicant to notify Council at least 48 hrs before commencement of works to allow Council to supervise/inspect works.

DA018

Details of the builder's name and licence number contracted to undertake the works shall be provided to Council/Accredited Certifier prior to issue of the Construction Certificate.

DA019

Insurance must be undertaken with the contracted builder in accordance with the Home Building Act, 1997. Evidence of Insurance together with the contracted builders name and licence number must be submitted to Council /Accredited Certifier prior to issue of the Construction Certificate.

DA021

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 person or part of 20 persons employed at the site, by effecting either a permanent or temporary connection to the Sydney Water's sewerage system or by approved closets.

DA022

Retaining walls being constructed in conjunction with excavations with such work being in accordance with structural engineer's details. Certification of compliance with the structural detail during construction shall be submitted to the Principal Certifying Authority.

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A sign must be erected on the subject site in a prominent position stating that unauthorised entry is prohibited and giving details of the name of the builder or the person responsible for the site and 24 hour contact details. The sign is to have dimensions of approximately 500mm x 400mm. Note: The sign is not required if the building on the site is to remain occupied during the course of the building works.

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All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans with certification being submitted to the Principal Certifying Authority during construction from a registered surveyor certifying ground and finished ridge levels.

DA031

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on or encroach over the allotment boundary. Your attention is directed to the provisions of the Dividing Fences Act which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position which may involve a survey to identify the allotment boundary.

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A Certificate of Adequacy signed by a practising Structural Engineer is to be submitted to the Council/Accredited Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of the Construction Certificate.

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Four (4) certified copies of the Structural Engineer's details in respect of all reinforced concrete, structural steel support construction and any proposed retaining walls shall be submitted to the Council/Accredited Certifier prior to the issue of the Construction Certificate.

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Where any excavation extends below the level of the base of the footing of a building on an adjoining allotment of land, the person causing the excavation shall support the neighbouring building in accordance with the requirements of the Building Code of Australia.

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The floor surfaces of bathrooms, shower rooms, laundries and WC compartments are to be of an approved impervious material properly graded and drained and waterproofed in accordance with AS3740. Certification is to be provided to the Principal Certifying Authority from a licenced applicator prior to the fixing of any wall or floor tiles.

DA048

The implementation of adequate care during demolition/ excavation/ building/ construction to ensure that no damage is caused to any adjoining properties.

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An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project.

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Four (4) copies of Architectural Drawings consistent with the development consent and associated specifications are to be submitted to Council/Accredited Certifier prior to the issue of the Construction Certificate.

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All demolition is to be carried out in accordance with AS2601-2001.

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Asbestos cement sheeting must be removed in accordance with the requirements of the WorkCover Authority.

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Roofwaters and surface stormwaters from paved areas is to be conveyed by pipeline to Councils street gutter.

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A detailed stormwater management plan shall be prepared to fully comply with Council's

"Specification for on-site Stormwater Management 2003" and shall be submitted with the Construction Certificate application. The stormwater management plan shall be prepared by an experienced Chartered Civil Engineer. The principal Council/Accredited Certifier shall ensure that the design complies with the above said specification prior to the issue of a Construction Certificate.

DA121

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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An automatic fire detection and alarm system shall be installed in the proposed dwelling in accordance with the requirements of Part 3.7.2 of the Building Code of Australia 1996 - Housing Provisions.

DA230

No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council, including payment of relevant fees.

DA239

The felling, lopping, topping, ringbarking, willful destruction or removal of any tree or trees unless in conformity with this approval or subsequent approval is prohibited.

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No tree other than on land identified for the construction of buildings and works as shown on the building plan shall be felled, lopped, topped, ringbarked or otherwise wilfully destroyed or removed without the approval of Council.

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Precautions shall be taken when working near trees to be retained including the following: - do not store harmful or bulk materials or spoil under or near trees - prevent damage to bark and root system - do not use mechanical methods to excavate within root zones - do not add or remove topsoil from under the drip line - do not compact ground under the drip line.

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A sediment/erosion control plan for the site shall be submitted for approval to the Council/Accredited Certifier **prior to the issue of the Construction Certificate**. Implementation of the scheme shall be completed prior to commencement of any works on the site and maintained until completion of the development.

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All materials on site or being delivered to the site shall generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 shall be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.

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A Construction Certificate Application is required to be submitted to and issued by the Council/Accredited Certifier prior to any building works being carried out on site.

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An Occupation Certificate is to be issued by the Principal Certifying Authority prior to occupation of the development.

DA285

Roof and framing including provision for tie downs, bracing and fixings are to be designed by a practising Structural Engineer. The Engineer is to specify appropriate wind category relating to the

site terrain, house design and height of the structure, with details being submitted to the Principal Certifying Authority prior to the commencement of framework.

DA332

The capacity and effectiveness of erosion and sediment control devices must be maintained to Council satisfaction at all times.

DA337

Building operations such as brickcutting, washing tools or paint brushes, and mixing mortar not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.

DA340

The applicant and/or builder must prior to the commencement of work, install at the periphery of the site, measures to control sedimentation and the possible erosion of the land. The measures must include:-

- (i) siltation fencing;
- (ii) protection of the public stormwater system; and
- (iii) site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

DA289

Building or construction work must be confined to the hours between 7.00am to 6.00pm, Monday to Friday and 7.00am to 1.00pm, Saturday, with a total exclusion of such work on Public Holidays and Sundays. Non-offensive works where power operated plant is not used and including setting out, surveying, plumbing, electrical installation, tiling, internal timber or fibrous plaster fixing, glazing, cleaning down brickwork, painting, building or site cleaning by hand shovel and site landscaping, is permitted between the hours of 1.00pm to 4.00pm Saturdays. Note: That the Protection of the Environment Operations Act 1997 may preclude the operation of some equipment on site during these permitted working hours.

DA319

Details of the method of termite protection which will provide whole of building protection, inclusive of structural and nonstructural elements, shall be submitted to the Council/Accredited Certifier prior to issue of the Construction Certificate. Attention is drawn to the provisions of Australian Standard 3660.1 "Protection of Buildings from Subterranean Termites New Buildings" and to Council's Code for the "Protection of Buildings Against Termite Attack".

DA320

Prior to issue of the Occupation Certificate, a durable termite protection notice shall be permanently fixed to the building in a prominent location detailing the form of termite protection which has been used in accordance with Council's Code for the "Protection of Buildings Against Termite Attack".

DA323

This approval shall expire if the development hereby permitted is not commenced within 2 years of the date hereof or any extension of such period which Council may allow in writing on an application made before such an expiry.

For the Resolution: Councillors Hay, Heasman, Murphy, Daley, Morrison, Norek and Macdonald.

Against the Resolution: Councillors Lambert, Pedersen, Aird and Evans.

Environmental Services Division Report No. 68

29 Edgecliffe Esplanade, Seaforth (DA379/05)

Application Lodged: 31 August 2005

Applicant: Michael Blakeney Architects

Owner: Mrs Gail Castellan and Mr Frank Castellan

Estimated Cost: \$550,000

Zoning: Zone No.2 (Residential) of the Manly Local Environmental Plan 1988.

Surrounding Development: Single and two storey dwellings.

Heritage: Not applicable

SUMMARY:

1. DEVELOPMENT CONSENT IS SOUGHT FOR A PART TWO (2) AND PART THREE (3) STOREY ADDITION TO AN EXISTING DWELLING HOUSE WITH ATTACHED GROUND FLOOR FAMILY FLAT, A SWIMMING POOL, WATER FEATURE, CABANA, FENCING AND LANDSCAPING WORKS.
2. THE APPLICATION WAS NOTIFIED WITH THREE (3) SUBMISSIONS OBJECTING TO THE PROPOSAL AND ONE (1) IN SUPPORT OF THE PROPOSAL RECEIVED.
3. THE APPLICATION WAS REFERRED TO THE SEAFORTH PRECINCT COMMUNITY FORUM AND COMMENTS RECEIVED.
4. THE APPLICATION IS PRESENTED TO COUNCIL'S THE LAND USE MANAGEMENT COMMITTEE AT THE REQUEST OF COUNCILLOR NOREK.
5. A SITE INSPECTION IS RECOMMENDED.
6. THE APPLICATION IS RECOMMENDED FOR REFUSAL.

SITE INSPECTION

A site inspection of **29 Edgecliffe Esplanade, Seaforth** was conducted by Councillors Hay, Heasman, Lambert, Macdonald and Norek on Monday, 5 December 2005.

Inspection Party Recommendation:

No recommendation.

MOTION (Macdonald / Evans)

That Development Application No.379/05 for a part two (2) and part three (3) storey addition to an existing dwelling house with attached ground floor family flat, a swimming pool, cabana, water feature, fencing and landscaping works at property No.29 Edgecliffe Esplanade, Seaforth, be refused for the following reasons:-

1. The proposed development does not comply with the aims and objectives of the Residential Zone pursuant to Manly Local Environmental Plan, 1988, having regard to Section 79C(1) (a) (i) of the Environmental Planning and Assessment Act 1979.
2. The proposed development will have an adverse impact on the amenity of the adjoining properties and the character of the Edgecliffe Esplanade and Ashton Avenue streetscapes as a result of its excessive bulk and scale and is inconsistent with the general nature of the surrounding 2 storey homes, having regard to Section 79C(1) (c) of the Environmental Planning and Assessment Act 1979.
3. The proposed development does not comply with Floor Space Ratio provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to

Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.

4. The proposed development would be an overdevelopment of the site, and would create an undesirable precedent for the future character of development along Edgecliffe Esplanade and Ashton Avenue, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
5. The proposed development does not comply with setback provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
6. The proposed development does not comply with the height provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
7. The proposed development does not comply with privacy provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
8. The proposed development does not comply with overshadowing provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.

RESOLVED: (Macdonald / Evans)

That Development Application No.379/05 for a part two (2) and part three (3) storey addition to an existing dwelling house with attached ground floor family flat, a swimming pool, cabana, water feature, fencing and landscaping works at property No.29 Edgecliffe Esplanade, Seaforth, be refused for the following reasons:-

1. The proposed development does not comply with the aims and objectives of the Residential Zone pursuant to Manly Local Environmental Plan, 1988, having regard to Section 79C(1) (a) (i) of the Environmental Planning and Assessment Act 1979.
2. The proposed development will have an adverse impact on the amenity of the adjoining properties and the character of the Edgecliffe Esplanade and Ashton Avenue streetscapes as a result of its excessive bulk and scale and is inconsistent with the general nature of the surrounding 2 storey homes, having regard to Section 79C(1) (c) of the Environmental Planning and Assessment Act 1979.
3. The proposed development does not comply with Floor Space Ratio provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
4. The proposed development would be an overdevelopment of the site, and would create an undesirable precedent for the future character of development along Edgecliffe Esplanade and Ashton Avenue, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
5. The proposed development does not comply with setback provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
6. The proposed development does not comply with the height provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.

7. The proposed development does not comply with privacy provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.
8. The proposed development does not comply with overshadowing provisions of the Development Control Plan for the Residential Zone 2001, Amendment 1, having regard to Section 79C(1) (a) (iii) of the Environmental Planning and Assessment Act 1979.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Daley, Morrison, Pedersen, Aird, Evans, Norek and Macdonald.

Against the Resolution: Nil.

Having previously declared an interest in Item 69, The Mayor and Councillor Norek left the Chamber (and departed the meeting).

Environmental Services Division Report No. 69

118 North Steyne, Manly (DA508/04)

SUMMARY

1. COUNCIL AT IT'S LAND USE MANAGEMENT MEETING OF 17 OCTOBER 2005 RESOLVED THAT STAFF PREPARE A REPORT REGARDING POTENTIAL RELOCATION OF THE EXISTING HERITAGE LISTED BUILDING AND ITS DONATION TO THE COMMUNITY.
2. THE MATTER HAS BEEN ADDRESSED WITH INPUT FROM COUNCIL'S HERITAGE PLANNER, SOCIAL PLANNER AND THE MANAGER HUMAN SERVICES AND FACILITIES.
3. THE REPORT RECOMMENDS AGAINST RELOCATION.

MOTION (Pedersen / Aird)

1. That Council receive and note the information contained in this report:
2. That Council continues to actively participate in the neutral evaluation process at the Land and Environment Court to ensure that: a sympathetic design is achieved that respects the established significance of the cottage; and satisfies reasonable environmental requirements such as privacy, daylight access, security and other justifiable user needs.
3. That Council acknowledge the significance of the proposed removal of the cottage from its historic location will have a high impact on its associational significance. As a consequence the cultural significance of the cottage will be severely reduced.

AMENDMENT (Murphy / Daley)

1. That Council receive and note the information contained in this report:
2. That Council continues to actively participate in the neutral evaluation process at the Land and Environment Court to negotiate a relaxation of the provisions of the Residential Development Control Plan for the Residential Zone, as it might apply to the property, in order to allow a sympathetic design of additional development.

For the Amendment: Councillors Hay, Heasman, Murphy, Daley and Morrison.

Against the Amendment: Councillors Lambert, Pedersen, Aird and Evans.

The **Amendment** became the **Motion** and was put and declared **Carried**.

RESOLVED: (Murphy / Daley)

1. That Council receive and note the information contained in this report:
2. That Council continues to actively participate in the neutral evaluation process at the Land and Environment Court to negotiate a relaxation of the provisions of the Residential Development Control Plan for the Residential Zone, as it might apply to the property, in order to allow a sympathetic design of additional development.

For the Resolution: Councillors Hay, Heasman, Murphy, Daley and Morrison.

Against the Resolution: Councillors Lambert, Pedersen, Aird and Evans.

A Notice of Rescission was lodged on this item by Councillors Aird, Evans and Lambert.

Environmental Services Division Report No. 70

Development Applications Being Processed During December 2005**SUMMARY**

DEVELOPMENT APPLICATIONS CURRENTLY BEING PROCESSED DURING DECEMBER 2005.

MOTION (Heasman / Evans)

That the information be noted.

RESOLVED: (Heasman / Evans)

That the information be noted.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Daley, Morrison, Pedersen, Aird and Evans.

Against the Resolution: Nil.

Environmental Services Division Report No. 71

Appeals List for December 2005**SUMMARY**

LIST OF APPEALS RECEIVED AND THEIR CURRENT STATUS FOR COUNCILLORS INFORMATION.

MOTION (Heasman / Evans)

That the information be noted.

RESOLVED: (Heasman / Evans)

That the information be noted.

For the Resolution: Councillors Hay, Heasman, Lambert, Murphy, Daley, Morrison, Pedersen, Aird and Evans.

Against the Resolution: Nil.

CLOSE

The meeting closed at [11.00pm](#)

The above minutes were confirmed at a **Land Use Management Committee** of Manly Council held on [6 February 2006](#).

CHAIRPERSON

***** END OF MINUTES *****